

AUG 30. 2006 7:00PM PARKS KNOWLTON

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TO:	PROM:
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FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571 273 8300	26
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	C01-0039-000
RE:	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Application No.: **10/044,386**
Filed: **December 26, 2002**
Inventor: **Frerking et al.**
Title: **System and Method for Providing Flexible Data Rate Transmission in a Telecommunication System**

Attached hereto are the following:

1. Response to Ex Parte Quayle Action dated August 1, 2006

1117 PERIMETER CENTER WEST, SUITE W307
ATLANTA, GEORGIA 30338
(678) 325-6601

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: **Frerking, Melvin D. et al.**Application No.: **10/044,386**Filed: **December 26, 2002**

For: **SYSTEM AND METHOD FOR
PROVIDING FLEXIBLE DATA RATE
TRANSMISSION IN A
TELECOMMUNICATION SYSTEM**

Art Unit: 2663

AUG 30 2006

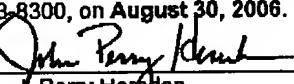
Examiner: Ng, Christine Y.

Confirmation No. 8941

Attorney Docket No.: C01-0039-000

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office in accordance with 3 C.F.R. § 1.6(d), to Fax No. (571) 273-8300, on August 30, 2006.



J. Perry Herndon
No. 54,706

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL LETTER

Sir:

Transmittal herewith is/are the following in the above-identified application:

<input checked="" type="checkbox"/> Response to Office Action	<input type="checkbox"/> Petition to Extend Time
<input type="checkbox"/> Fee as calculated below	<input type="checkbox"/> Supplemental Declaration
<input checked="" type="checkbox"/> No Additional Fee Required	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Corrected Drawings	<input type="checkbox"/> Other _____

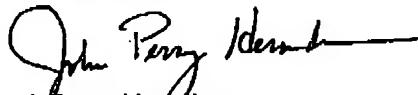
CLAIMS AS AMENDED					
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	37	52	0	X \$50.00	\$0.00
Independent Claims	16	16	0	X \$200.00	\$0.00
<input type="checkbox"/> First Presentation of a Multiple Dependent Claim				+ \$360.00	\$0.00
<input type="checkbox"/> Reduction by ½ for filing by SMALL ENTITY (Note 37 C.F.R. §1.9, §1.27, §1.28) -				- \$0.00	
TOTAL FEE DUE					\$0.00

Application No.: 10/044,386
Filed: December 26, 2002
AMENDMENT TRANSMITTAL LETTER

Payment:

- A check in the amount of \$_____ is enclosed.
- Payment by credit card in the amount of \$0.00 for the fees designated above. (Form PTO-2038 enclosed). WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- The Commissioner is authorized to charge our Deposit Account No. 50-3447 in the amount of \$____ to cover the above-listed additional fees. A duplicate copy of this transmittal is enclosed.
- In the event of an overpayment or improper payment of a required fee, the Commissioner is authorized to charge or credit our Deposit Account No. 50-3447 as required to correct the error.

Respectfully submitted,



J. Perry Herndon
Registration No. 54,706
Attorney for Applicant

Dated: August ___, 2006
PARKS KNOWLTON LLC
1117 Perimeter Center West
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Atlanta, Georgia 30338
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(678) 325-6605 facsimile
Attorney Docket No.: C01-0039-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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In re application of:)
FRERKING, Melvin D., et al.)
Application No.: 10/044,386)
Filed: December 26, 2002)
For: System and Method for Providing)
Flexible Data Rate Transmission in a)
Telecommunication System)

AUG 30 2006

Group Art Unit: 2663

Examiner: NG, Christine Y.

Confirmation No.: 8941

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Attorney Docket No.: C01-0039-000

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I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office in accordance with 3 C.F.R. § 1.6(d), Fax No. (571) 273-8300, on August 30, 2006.


J. Perry Herndon, Reg. No. 54,706AMENDMENT AND RESPONSE TO EX PARTE QUAYLE ACTION

Sir:

In response to the Ex Parte Quayle Action dated August 1, 2006 please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on Page 2 of this Response.

Remarks begin on Page 21 of this Response.